

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	<b>08 C 1720</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE PALLMEYER</b>
<b>v.</b>	)	
	)	
<b>CHATEAU DEL MAR, INC. and</b>	)	<b>MAGISTRATE JUDGE</b>
<b>HICKORY HILLS COUNTRY CLUB, INC.,</b>	)	<b>NOLAN</b>
	)	
<b>Defendants.</b>	)	

**FRCP 12(b) (6) MOTION TO DISMISS**

Now come the Defendants, Chateau Del Mar Inc (“Chateau”), and Hickory Properties, Inc. (“Hickory”), by and through their attorneys, Michael Lee Tinaglia, J. Molly Wretzky and the LAW OFFICES OF MICHAEL LEE TINAGLIA, LTD., and Thomas Paris, Esq., and for their Federal Rule of Civil Procedure (“FRCP”) 12(b)(6) Motion to Dismiss the Amended Complaint filed by the Equal Employment Opportunity Commission (“EEOC”) state the following:

1. On March 25, 2008, Plaintiff, the EEOC filed a complaint in the United States District Court for the Northern District of Illinois alleging class based violations of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e *et. seq.* On July 3, 2008, the EEOC filed and an amended complaint correcting the name of one of the Defendants

(“Amended Complaint”).<sup>1</sup> Other than correcting the name of one of the Defendants the Amended Complaint was substantially identical to the originally filed complaint.

2. The Amended Complaint alleges discriminatory conduct and retaliation claims against Defendant Chateau based upon charges of discrimination filed by Joan Knable, Karen Curry, Jill Raddatz and Maria Rodriguez. The foregoing charging parties are referred to as “the Chateau CPs” in the Amended Complaint. See generally Amended Complaint, Doc. 18.

3. Additionally, the Amended Complaint alleges discriminatory conduct and retaliation claims against Defendant Hickory by Ronda Adamek and Lisa Buglio. The foregoing charging parties are referred to as “the Hickory CPs” in the Amended Complaint. See generally Amended Complaint, Doc. 18.

4. Significantly, on October 10, 2007 and prior to the EEOC filing the instant action, pursuant to the requests of Knable, Curry and Raddatz, the EEOC issued Notice of Right to Sue letters and on October 24, 2007 Curry, Knable and Raddatz filed private actions against Chateau and Stephen Gianakas alleging Title VII violations and certain common law tort claims.<sup>2</sup> See Knable, Curry and Raddatz Complaint, Doc. 1, Case No. 07 C 06021.

5. Because Knable, Curry and Raddatz have filed a complaint asserting their private right of action, the EEOC is precluded from filing a duplicative action based upon the charges of discrimination filed by Knable, Curry and Raddatz.

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<sup>1</sup> On June 16, 2008, the EEOC moved for a finding of relatedness pursuant to Local Rule 40.4 between Case No. 07 C 06021, Curry et al. v. Chateau Del Mar et al, which was granted. The EEOC’s Complaint was re-assigned to this Court on June 18, 2008.

<sup>2</sup> The Curry Plaintiffs have filed their First Amended Complaint seeks to add Hickory Properties, Inc., as an additional defendant. Defendants have filed a motion to dismiss as to Hickory Properties Inc. which is currently pending before this court. See Doc. 32, Case No. 07 C 06021.

6. At the very least the EEOC is precluded from filing and pursuing an action which seeks remedies specific to Knable, Curry and Raddatz.

WHEREFORE, Defendants, Chateau and Hickory move to dismiss the EEOC Amended Complaint:

- A. To the extent the Amended Complaint asserts causes of action based upon the charges of discrimination filed by Knable, Curry and Raddatz; or, in the alternative,
- B. To the extent the Amended Complaint seeks to recover remedies specific to Knable, Curry and Raddatz; and
- C. For such other and further relief as the Court deems appropriate.

Respectfully submitted,  
Defendants Chateau Del Mar and  
Hickory Properties, Inc.

By: s/Michael Lee Tinaglia  
One of their attorneys

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